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June 15, 2021

**Via Online FOIA Portal**

Regional Freedom of Information Officer  
U.S. EPA, Region 9  
75 Hawthorne Street (ORC-1)  
San Francisco, CA 94105

**Re: FOIA Request in Connection with the Former Smith Tool Facility in Irvine, California**

Dear FOIA officer:

Edwards Lifesciences, LLC requests the following agency records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Specifically, this request seeks records from United States Environmental Protection Agency, Region 9 ("EPA Region 9") relating to a manufacturing facility located at 17871 Von Karman, Irvine, CA, 92614, formerly owned and/or operated by Smith Tool, a division of Smith International, Inc. (hereinafter "Smith Tool Site"). The time period covering this request is January 1, 1980 to February 1, 1999.

The precise requests for any writing or recording (as defined by the Federal Rules of Evidence rule 1001, including any electronically stored information) are:

1. All compliance documents issued by EPA relating to the Smith Tool Site, including but not limited to, those relating to any RCRA interim or final permits, inspections, compliance, and violations.
2. All reports, sampling data, charts relating to the Smith Tool Site.

3. All documents relating to materials used, handled, stored, and/or discharged from the Smith Tool Site.
4. All communications and memoranda relating to the Smith Tool Site.

We will accept responsibility for the reasonable and necessary costs associated with EPA's response to this request, including reasonable standard charges for document searching and duplication, up to a maximum amount of \$2,000.00. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(III); 40 C.F.R. § 2.102 (d). If EPA determines that the reasonable and necessary costs of responding to this request will exceed \$2,000.00, please contact us as soon as possible to discuss payment. If for some reason copies of certain agency records cannot be made or provided, we request an opportunity to view and inspect those agency records.

If a given agency record is responsive to more than one individual request or is found in more than one location, EPA need not provide multiple copies or duplicates of the same record. All responsive records that have not been provided, or that are not readily available, must still be provided in response to this request.

If it is EPA's position that any of the agency records requested in this letter are exempt from disclosure under the FOIA, EPA must nonetheless provide any reasonably segregable portions of those agency records after deleting or redacting the purportedly exempt portions. 5 U.S.C. § 552(b); *Pebble Ltd. P'ship v. US. Env'tl. Prot. Agency*, No. 3:14-cv-0199-HRH, 2016 WL 128088, at \*3 (D. Alaska Jan. 16, 2016).

If EPA withholds all or any portion of a record requested in this letter, EPA must indicate in the response the amount of information that is withheld, deleted, or redacted, as well as the basis for each withholding, deletion, or redaction. 5 U.S.C. § 552(b); 40 C.F.R. § 2.104(h). Please provide an index or catalogue of responsive agency records that EPA intends to withhold in full or in part, as well as an individual explanation for each full or partial withholding, consistent with the holding in *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

If EPA chooses to withhold segregable portions of any agency record that is responsive to this request, please use blackout redactions rather than deletions or "Whiteout" redactions. If agency records that would otherwise be responsive to this request have been destroyed or are no longer in EPA's

control, please identify each record, the date of destruction, and the person(s) who destroyed the record.

We invite you to contact us as soon as possible to arrange for delivery of the agency records requested. In the meantime, we appreciate your prompt attention to this request, and look forward to your response.

Sincerely,

RING BENDER LLP

A handwritten signature in blue ink, appearing to read 'JTA', with a long horizontal stroke extending to the right.

Jay A. Tufano